

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

ALOFT MEDIA, LLC,

Plaintiff,

v.

ORACLE CORPORATION, et al.,

Defendants.

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Civil Action No. 6:09-CV-304-LED

JURY TRIAL DEMANDED

**PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF
DEFENDANT FIDELITY INVESTMENTS, LLC UNDER FED. R. CIV. P. 41(a)(1)**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff Aloft Media, LLC ("Aloft") files this notice of voluntary dismissal, with prejudice, of its cause of action against Fidelity Investments, LLC ("Fidelity Investments"). To date, Fidelity Investments has neither answered any Complaint nor filed a motion for summary judgment.

Plaintiff and Fidelity Investments will each bear its own costs, expenses and legal fees.

This dismissal does not affect any other named defendant.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 4th day of November 2010.


Eric M. Albritton